



## State Senator Sheila Harsdorf

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Date: October 3, 2011

To: Senate Committee on Judiciary, Utilities, Commerce, and Government Operations

From: Senator Sheila Harsdorf

Re: Senate Bill 127 - Requiring domestic violence committed in front of a child to be used as an aggravating factor during sentencing

Chairman Zipperer and Committee Members,

Thank you for holding a public hearing on Senate Bill 127, which would require domestic violence committed in front of a child to be used as an aggravating factor by a judge during sentencing. Due to previously scheduled commitments in the district, I am unable to attend the public hearing personally to testify, however I appreciate the opportunity to share written testimony to highlight the importance of enacting this change.

Under current law, courts are required to consider specific factors when sentencing individuals convicted of certain crimes. For instance, if a person is convicted of first or second degree sexual assault of a child and the person was the child's parent, guardian, or temporary caregiver or another person legally responsible for the child's welfare, the sentencing court must consider as an aggravating factor that the convicted person was responsible for the welfare of the child.

Under this bill, if a person is convicted of a crime involving an act of domestic abuse and the crime was committed in the presence of a child, the sentencing court must consider as an aggravating factor that the convicted person committed the crime in the presence of a child.

I am introducing this legislation at the request of Investigator Charles Golden with the City of River Falls Police Department. Having worked on numerous cases involving acts of domestic violence committed in front of children, Investigator Golden understands the short-term and long-term damage this behavior can cause to children. I am pleased that Investigator Golden is here to personally share with you his experiences and firsthand knowledge of why this legislation is so important.

As we know, children who grow up with domestic violence, often become abusers themselves. This legislation serves to recognize the damage that domestic violence causes to children who witness the abuse and is intended to try to break the cycle of abuse.

A similar bill was introduced last session, but, after concerns were raised about unintended consequences in the original proposal, Investigator Golden and I worked with the Wisconsin Coalition Against Domestic Violence to develop the bill you have before you today. There is no known opposition to this proposal and it allows for the maximum punishment to offenders with little or no chance of re-traumatizing victims by making them testify in open court, subject to cross examination and in the presence of the offender, about the incident.

I urge committee members to support this legislation in an effort to minimize the devastating impact of domestic violence on children and to send a strong message that domestic violence will not be tolerated. I appreciate your timely action to move this bill forward. Thank you for your consideration. Please feel free to contact me if you have any questions or concerns.